

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

NOV 29 2007

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ROY STEVE DAVIS,	)	
Petitioner,	)	Civil Action No. 7:07cv00550
	)	
v.	)	<b><u>FINAL ORDER</u></b>
	)	
TERRY O'BRIEN,	)	By: Hon. Glen E. Conrad
Respondent.	)	United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ADJUDGED and ORDERED**

that the instant habeas petition, filed pursuant to 28 U.S.C. § 2241, shall be **DISMISSED** without prejudice to petitioner's right to raise the claims therein in a properly filed civil rights action. This action is hereby **STRICKEN** from the active docket of the court, and any pending motions are hereby **DENIED as MOOT**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 28<sup>th</sup> day of November, 2007.

*Glen E. Conrad*

United States District Judge